

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

REGIONAL AIR, INC.,)	
Plaintiff,)	
)	Case No. CIV-08-342-C
v.)	
)	
CANAL INSURANCE COMPANY,)	
Defendant,)	

PLAINTIFF'S PROPOSED VOIR DIRE

Plaintiff, Regional Air, Inc. ("Plaintiff"), respectfully requests that the prospective jurors be asked the following questions to determine their qualifications to serve as jurors in this cause:

KNOWLEDGE OF CASE

1. Have you ever heard of this lawsuit before today?
2. If so, when did you first hear of this lawsuit?
3. If so, how did you become aware of this pending action?
4. If so, as a result of your prior knowledge of this lawsuit, have you formed any opinion about who should win or lose?
5. If so, would either party have to present any evidence before you would change the present opinions that you have about this case?
6. If so, despite your past knowledge of this lawsuit, can you set aside what you have heard before today and try this case solely upon the believable and credible evidence introduced during the trial and the applicable law as I instruct you?

LAWYERS

7. Do you know any of the Plaintiff's lawyers involved in this case?
 - a. Ernest F. Godlove, Lawton, Oklahoma
 - b. Michael C. Mayhall, Lawton, Oklahoma
 - c. Edward W. Dzialo, Jr., Lawton, Oklahoma
 - d. J. Blake Dutcher, Jr., Lawton, Oklahoma

- e. Shon T. Erwin, Lawton, Oklahoma
8. Do you know any of the Defendant's lawyers involved in this case?
 1. John C. Nlemeyer, Oklahoma City, Oklahoma
 2. Linda G. Alexander, Oklahoma City, Oklahoma
 3. Frank Austin, Oklahoma City, Oklahoma
 4. Harris A. Phillips, Oklahoma City, Oklahoma
 5. Stephen A. Dotter, Oklahoma City, Oklahoma
 6. Stephen W. Sasser, Oklahoma City, Oklahoma
9. If so, what is your relationship with the lawyer that you know?
10. If so, would you be limited to favor or disfavor the client of the lawyer that you know?
11. if so, would your knowledge of the lawyer in any way affect your ability to be a fair an impartial juror?

WITNESSES

12. Some of the following witnesses may be called to testify at trial:
 1. George Patrick, Greenville, South Carolina
 2. Ray Cunningham, Lawton, Oklahoma
 3. Mike England, Shreveport, Louisiana
 4. Mark Oldham, Oklahoma City, Oklahoma
 5. Ron Watts, Lawton, Oklahoma
 6. Tim Poe, Shreveport, Louisiana
 7. James A. Little, Tulsa, Oklahoma
 8. Hugh Currey, Lawton, Oklahoma
 9. Glen Alford, Lawton, Oklahoma

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12. What is your relationship with the witness(es) that you know?
13. Would you be inclined to give greater or lesser weight to testimony of a witness that you know?
14. If so, would your knowledge of a witness in any way affect your ability to be a fair and impartial juror?

PARTIES

15. Do you know the Plaintiff, Regional Air, Inc, or its President, Ray Cunningham?
16. If so, how did you become acquainted with Regional Air, Inc. or its President Ray Cunningham?
17. If so, when did you first have knowledge of Regional Air, Inc. or its President Ray Cunningham?
18. If so, is there anything about your knowledge of Regional Air, Inc. or its President Ray Cunningham that would cause you to be biased either for or against either of them?
19. Do you know anyone presently or formerly employed by the Defendant, Canal Insurance Company?
20. If so, how did you become acquainted with any of them?
21. If so, when did you first have knowledge of them?
22. If so, is there anything about your knowledge or present or former employees of Canal Insurance Company that would cause you to be biased either for or against Canal Insurance Company?
23. Have you or has anyone in your immediate family or a close personal friend ever been employed by Canal Insurance Company?
24. If so, in what capacity were you or that person employed?
25. If so, is there anything about your or that person's employment with Canal Insurance Company that would cause you to be biased either for or against Canal Insurance Company?
26. Do you or does anyone in your immediate family or a close personal friend own any interest in Canal Insurance Company?

DAMAGES

27. Could you return a verdict against Canal Insurance Company and in favor of Plaintiff, Regional Air, Inc., if the evidence and the applicable law supported a verdict in favor of Plaintiff, Regional Air, Inc.?
28. Would you have any hesitancy to award a substantial money verdict against Canal Insurance Company and in favor of Plaintiff, Regional Air, Inc., if the evidence and the applicable law supported a verdict in its favor?
29. Would you have a reluctance to award a substantial money verdict in an amount that will adequately compensate Plaintiff, Regional Air, Inc., for its damages if the evidence and the applicable law support a verdict in its favor?

BURDEN OF PROOF

30. Do you understand that this is a civil case and that the burden of proof required to prove the case is different than in a criminal case?
31. In a civil case such as this case, the party with the burden of proof must prove its or its claims only by the greater weight of evidence, or evidence that is more probably true than not true. In a criminal case, the burden of proof is beyond a reasonable doubt. Is anyone troubled by the fact that a civil case requires a lesser burden of proof than a criminal case does?

PRIOR JURY SERVICE

32. Have you ever served on a jury before?
33. If so, was it a civil or criminal case?
34. If it was a civil case, what was the nature of it?
35. If so, were you able to reach a verdict in each case in which you served as a juror?
36. If so, have you ever been selected as the foreperson of a jury?
37. Is there anything about your prior jury service that would cause you to be biased for or against either of the parties to this lawsuit?
38. If selected as a juror in this case, will you set aside the facts and applicable law that pertained to the other cases on which you served as a juror and try this case solely on the believable and credible evidence and the applicable law as I instruct you?

OTHER LAWSUITS

- 39. Have you or has anyone in your immediate family ever been sued in a civil action other than for divorce?
- 40. If so, what kind of a lawsuit was it?
- 41. If so, was there anything about what happened in your lawsuit that would affect your ability to be fair in this case?
- 42. Do you believe that an insured, Regional Air, Inc., should be allowed to file a lawsuit against its insurance company, Canal Insurance Co. and have a jury sit in judgment as the trier of fact?

EMPLOYMENT HISTORY

- 43. Are you employed?
- 44. How long have you been employed?
- 45. Who is your employer?
- 46. What type of work do you perform?
- 47. If you are married, is your spouse employed?
- 48. If so, by whom?
- 49. What type of work does your spouse perform?

MISCELLANEOUS QUESTIONS

- 50. Would you desire for a juror with your present frame of mind to serve as a juror if you were a party to this lawsuit?
- 51. Is there anything about the nature of this lawsuit that causes you to believe that you could not be fair and impartial to both parties?
- 52. Would you follow and apply the laws as I instruct you even if you personally disagree with the law?
- 53. Do you know of any reason why you could not be a fair and impartial juror to both sides in this case?

ASSOCIATIONS, CONTACTS, IDEAS ABOUT INSURANCE COMPANIES

54. Have you or anyone close to you ever been employed in any capacity by any insurance company?
55. Is that someone yourself?
56. If someone else, what is their relationship to you?
57. What position did you/he/she hold?
58. For how long?
59. Has anyone ever made a property damage claim against their own insurance company?
60. What were the circumstances involving the claim?
61. Has anyone ever engaged in an insurance appraisal process associated with a property damage claim? If so, please explain the circumstance.

ACTIVITIES

62. What civic, social, religious, professional or trade clubs or organizations do you now belong to?
63. Please list any office or title you currently hold, or have held in the past, in these or other organizations.
Organization(s)
Office Held
Dates
64. Do you watch movies in theaters? If so, how often? Identify the titles of the last six movies you have seen.
65. Do you read in your spare time? If yes, list the book(s) you are now reading or have read in the last year.
66. What newspapers do you read regularly, including both local and out-of-town newspapers?
67. How often do you read a newspaper?
Every day
Several times a week
Once or twice a week
Less often than once a week
Never

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68. What magazine(s) do you read regularly?
69. Do you watch television? If yes, which programs do you tend to watch on a regular basis?
70. Which radio station(s) do you generally listen to?
71. How often do you listen to the news on radio or television?
Every day
Several times a week
Once or twice a week
Less often than once a week
Never
72. What is the most important news source for you?
Newspapers
TV
Radio
Magazines

LEGAL SYSTEM

73. Have you or has any close friend or relative had any legal training (including law courses, paralegal program, or on-the-job training)? If yes, please explain.
74. Do you know any lawyers, judges or court personnel? If yes, list their names and describe their relationship to you.
75. Have you ever had an unfavorable experience with a lawyer or judge (for example, contracted for services not satisfactorily rendered, felt that justice was not served, etc.)? If yes, please explain.

CONCLUDING QUESTIONS

76. Is there any matter you would prefer to discuss privately with the judge? If so, please explain?
77. Do you have any specific problems at home or at work that might interfere with your ability to concentrate on the case during trial? If yes, please explain.
78. Do you have any medical condition that would make it difficult for you to serve as a juror? If yes, please explain.
79. What is the condition of your hearing?
80. What is the condition of your eyesight?

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81. Are you willing, as a juror, to remain as long as necessary to reach a verdict in the case, even if the proceeding lasts longer than the estimate given by the Court?
82. Do you have any specific problems dealing with stress or pressure? If yes, please explain.
83. Is there any particular reason that you would like to be a juror on this case or would not like to be a juror on this case? Please explain.

Respectfully submitted,

GODLOVE, MAYHALL, DZIALO,
DUTCHER & ERWIN

By 

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January 2009, a true and correct copy of Plaintiff's Proposed Voir Dire was sent via ECF to:

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